IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No.3289 of 2005

Date of Decision: September 20, 2007

H.S.E.B. and another .....Appellants

Versus

Smt.Bimla Devi and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Gaurav Mohunta, Advocate for the appellants.

Mr.Parminder Singh, Advocate for respondents No.3 to 5.

S. D. ANAND, J.

1. The plea raised by the plaintiff-respondents qua the invalidity of the impugned order (Annexure A2), was upheld by the learned Trial Court (vide judgment and decree dated 20.10.2003) and by the learned First Appellate Court (vide judgment and decree dated 2.3.2005).

2. The Erstwhile Haryana State Electricity Board, presently U.H.B.V.N., is in Second Appeal.

3. Mr.Gaurav Mohunta, learned counsel appearing on behalf of the appellants, argues that a show cause notice in pursuance to Annexure A2 has been served upon the plaintiff-respondent, who has not responded to it till date. This, learned counsel proceeded to argue, constitutes absolute compliance with the principles of natural justice and the appellants cannot be heard to grudge it.

4. On being called upon to indicate if the plaintiff-respondents had been associated at the time the impugned order Annexure A2 came to be passed, the learned counsel was constrained to concede that the record does not indicate the association of the plaintiff-respondents in the proceedings culminating in the passing of order, Annexure A2. It is also not disputed that the written statement filed by the appellant at the trial does not contain an averment that the above mentioned notice, in pursuance of order Annexure A2, had been given to the plaintiff-respondents.

5. The findings on facts, recorded by the learned Trial Court and also the learned First Appellate Court, appropriately noticed the want of compliance with the principles of natural justice.

6. No question of law, much less substantial in character, arises for determination of this Court.

7. Dismissed.

(S. D. ANAND)
JUDGE

September 20, 2007
SRM

Note: Whether referred to reporter or not? Yes/No